

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits –APHC- Implementation of the orders of Hon'ble High Court dated 12-12-2001 in W.P.No. 10726/1993 – Permitting the approval of appointment and consequential benefits of Sri G. Uday Bhaskar Sharma as Store Keeper, Sathavahana College, Vijayawada- Orders Issued.

HIGHER EDUCATION (C.E.II.1) DEPARTMENT

G.O.Rt. No. 1009

dated:29-12-2012

Read the following:-

- Ref:1.Order dated 12.12.2001 in W.P.No. 10726 of 1993 filed by Sri.G.U.B.Sarma, Store Keeper (Un aided), Satavahana College, Vijayawada, Krishna District.
2. Orders of Hon'ble High Court dated 27-04-2011 in W.A. No. 795 of 2002 filed by the C.C.E., A.P., Hyderabad against the orders dated 12-12-2001 in W.P. No. 10726 of 1993.
- 3.From the C.C.E.,A.P., Hyd. Lr. Rc. No. 157/Admn.II/2002,dated 28 .04.2012 and even No. dated 14 .08.2012.
4. Govt. Memo. No. 6143/C.E.II.1/2012-1, dated 10-09-2012.
5. From the C.C.E., A.P.Hyd. Lr. Rc. No. 157/Admn.VI-1/2002, dt. 19.11.2012.

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Sri G.U.B. Sarma, Store Keeper (Un-aided), Sathavahana College, Vijayawada, Krishna District has filed W.P.No. 10726 of 1993 with a prayer to approve his appointment as Store Keeper from the date of his joining into duty from 30.01.1990. The Hon'ble High Court in its order 1st read above among other things held that :-

"In the counter filed on behalf of the first respondent, reliance is placed on G.O.Ms.No.1119 Education, dated 18.12.1976 stating that the Government has constituted a selection committee consisting of representatives of the Director of Higher Education, Principal of the College concerned and a representative of the Management. The record it is seen that there was duly constituted selection committee and representative of the Director of Higher Education i.e. the Principal of SRR & CVR Government College, Vijayawada was not present in the Committee on the date of selection conducted for the post of Store Keeper. Therefore, it is submitted that necessary approval was not granted for the appointment of the petitioner as Store Keeper.

The learned counsel for the petitioner places reliance on the proceedings of the Government in Memo No.3670/C2/77-2, dated 04.01.1978 where under the Government authorize the District Educational Officer / Principals to depute the Deputy District Educational Officer or the senior most Lecturer to be present as a member of the Selection Committee. Accordingly selection committee was duly constituted in the present case.

Having regard to the Memo dated 04.01.1978 stated supra and also having regard to the fact that the petitioner is being continued in service from 03.01.1990, the first respondent is directed to approve the appointment of the petitioner as Store Keeper in the second respondent college from the date of joining the duty. Further, it is declared that the petitioner is entitled to all the benefits that flow from the date of his appointment".

Count.P.2.

2. In the reference 2nd read above, the Hon'ble High Court has dismissed the Writ Appeal No. 795 of 2002 filed by the Commissioner of Collegiate Education on the orders of the Hon'ble High Court in W.P. No. 10726 of 1993 filed by Sri. G.Uday Bhaskara Sarama, Store Keeper, Satavahana College, Vijayawada, Kirshna District has made the following observations:-

"It is needless to mention that in any grant-in-aid colleges, as per Rule 7 of the Andhra Pradesh Gant-in-aid Code, appointment to any post under non-teaching staff has to be approved by the Selection Committee duly constituted. Even as per the averments made in the affidavit filed in support of the writ petition, the writ petitioner was selected and appointed as Store Keeper in the 2nd respondent-institution on 30.12.1989 by a duly constituted Selection Committee. This stand remained un rebutted. Further, the rejection of the approval of the appointment of the petitioner to the post of Store Keeper by the appellant on the ground that the Principal of SRR & CVR Government College, Vijayawada was not present in the committee on the date of selection, is not justifiable, because by virtue of the proceedings dated 10.02.1978 issued by the Director of Higher Education, Andhra Pradesh wherein the Memo dated 04.01.1978 is reproduced, it can be safely inferred that the selection committee was duly constituted in the present case. The appellant has not made any attempt to disprove the fact that Selection Committee was duly constituted.

In the circumstances, we are of the considered view that the learned Single Judge, by observing that the Selection Committee was duly constituted in the present case, has rightly directed the appellant to approve that appointment of the writ petitioner as Store keeper in the 2nd respondent college, and the impugned order dated 12.12.2001 passed in W.P.No. 10726 of 1993 does not suffer from any legal infirmities warranting interference by this Court".

3. In the reference 3rd read above, the Commissioner of Collegiate Education while explaining the circumstances of the case has finally requested the Government to issue appropriate orders permitting the Commissioner of Collegiate Education for approval of the appointment & consequent benefits of Sri. G.U..B. Sarama, Store Keeper, Satavahana College, Vijayawada, Kirshna District, since the Writ appeal No. 795 of 2002 filed by Commissioner of Collegiate Education has been dismissed by the Hon'ble High Court.

4. In the reference 4th read above the Commissioner of Collegiate Education was permitted to file Special Leave Petition in the Hon'ble Supreme Court of India against the orders of the Hon'ble High Court dt. 27-04-2011 in W.A. No. 795 of 2002 filed by the Commissioner of Collegiate Education, A.P., Hyderabad against the orders of Hon'ble High Court dated 12-12-2001 in W.P. No. 10726/1993 filed by Sri G.U.B. Sarma, Store Keeper, Sathavahana College, Vijayawada and obtain stay orders from the Supreme Court immediately.

5. In the reference 5th read above, the Commissioner of Collegiate Education has stated that, it is noticed that from the Hon'ble Supreme Court of India's website, the Hon'ble Supreme Court of India in it's orders dated:05-11-2012 has passed the following orders in SLP Civil (CC) No.17597 filed by the Commissioner of Collegiate Education against the orders dated:27-04-2011 of the Hon'ble High Court in W.A.No.795/2002 in the orders in W.P.No.10726/1993 filed by G.U.B.Sarma, Sathavahana College,Vijayawada.

" THE SPECIAL LEAVE PETITION IS DISMISSED ON THE GROUND OF DELAY OF 442 DAYS IN FILING THE PETITION".

Count.P.3.

6. The Commissioner of Collegiate Education has requested the Government to issue orders for implementation of the orders dated 12-12-2001 in W.P.No.10726/1993 filed by Sri.G.U.B.Sarma, Sathavahana College, Vijayawada, as the S.C. has dismissed the S.L.P.

7. After careful examination of the entire issue and to comply with the orders of the Hon'ble High Court dated 12-12-2001 in W.P.No. 10726 of 1993 filed by Sri G. Uday Bhaskar Sharma, Store Keeper, Sathavahana College, Vijayawada, Krishna District, the Government hereby accord permission to the C.C.E. to approve the appointment of Sri G.U.B. Sharma as Store Keeper, Sathavahana College, Vijayawada, Krishna District and consequential benefits, subject to meeting the expenditure within the Budget provision.

8. The Commissioner of Collegiate Education, A.P., Hyderabad shall take father action in the matter accordingly.

9. This order issues with the concurrence of Finance (Exp. H.E.) Department, vide their U.O. No. 31917/1084/EHE/2012, dated 07-12-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G. GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Collegiate Education, A.P., Hyderabad.
The individual concerned through the C.C.E., A.P., Hyderabad.
Copy to
The Finance (Exp. H.E.) Department.
P.S to Principal Secretary, Higher Education.
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER.